

**STATEMENT OF BASIS**  
**For Proposed Permit Limits (New Permit)**

Permittee: Wolf Mountain Coal, Inc.

Permit Number: MT0031411

Receiving Water: Ephemeral Tributary of the South Fork of Monument Creek

Facility Information: Bituminous Coal Screening Plant

Mailing Address: 1810 Coffeen Avenue #215  
Sheridan, WY 82801

Contact: Michael Strahan, President

Phone: (307) 672- 8921

Fee Information:

Type: Privately Owned Treatment Works, Minor

Number of Outfalls: 1, (For fee determination only)

Outfall Type: 001, Process wastewater

**I. Permit Status**

Wolf Mountain Coal (WMC) submitted application for Montana Pollutant Discharge Elimination System (MPDES) permit coverage for the proposed WMC facility. The application (Form 1 and 2D) was received by the Department on May 2, 2005. Pursuant to the Administrative Rules of Montana, (ARM) 17.30.1322 and 17.30.1323 the application was deemed complete on May 26, 2005.

As stated in ARM 17.30.1304(37) WMC is defined as a new source. The discharge is considered a new or increased source under ARM 17.30.702(18).

The facility is also permitted under The Strip and Underground Mine Reclamation Act, Title 82, chapter 4, part 2.

**II. Facility Information**

**a. Facility Description**

The proposed WMC facility is a stoker coal processing facility. The facility is located approximately 11 miles north of Decker MT. Crushed coal, supplied by the contiguous Spring Creek Coal mine, will be trucked to the facility. Processing includes conveyers and screening

equipment to size various coal products. Coal products may then be coated with oil to minimize dust before being conveyed to overhead truck, load-out bins. Over the road trucks will then be loaded with sized material for distribution too end-users. Reject coal material (undersized screenings) will either be sold or returned to the mine for resale or disposal. The facility proposes to generate 4,800 gpd of process water daily. Process wastewater will be generated by the wash down of screening equipment; not from the physical washing of coal.

Treatment of process wastewaters entails the use of a sedimentation pond. The pond is sized to contain runoff volume from a 25-year/24-hour event, plus 300,000 gallons of process water in addition to three years accumulation of sediment from runoff events. The sedimentation ponds capacity is 3.1 acre-feet. Outfall 001 is the outfall structure from the sedimentation pond. See Figure 1 for orientation and of the facility and location of the outfall.

The applicant proposes to reuse water from the sediment pond for other uses on site. Other uses include equipment wash down and dust suppression. Run on, run off controls have been proposed to control storm water runoff from the facility.

b. Effluent Characteristics

The applicant provided an estimate of pollutant concentrations expected to be present in the treated effluent as required in ARM 17.30.1322 (8). Effluent discharged to surface waters is expected to occur only during storm events greater than the 25-year/ 24-hour event (2.8 inches). The discharge will be intermittent in nature. The primary parameters of concern (POC) are total suspended solids (TSS), iron, oil and grease, and dissolved aluminum.

**III. Technology Based Effluent Limits (TBEL)**

As stated in ARM 17.30.1207 the Board of Environmental Review has adopted by reference 40 CFR Subchapter N. Subchapter N is a series of rules setting forth effluent limits for point source dischargers and standards of performance for new sources. Under subchapter N, part 434 is applicable to coal preparation plants and associated areas. The applicable section of this subpart is 40 CFR 434.25(b), which is the new source performance standards (NSPS) for this industry type. Additional TBELs for precipitation events are applicable for this discharge, 40CFR 434.63(a)(1)(iii) allows for alternative effluent limits for coal preparation plants and associated areas. Alternative effluent limitation guidelines as defined above, at found in 40 CFR 434.63(a)(2).

Due to the commingled nature of the sedimentation pond (process water and storm water), an authorization under the general permit, storm water discharges associated with mining and with oil and gas activities will not be required. However requirements for the control of storm water will be included in the draft permit. The draft permit will require a storm water pollution prevention plan to control effects from storm water runoff.

<b>New Source Performance Standards - Outfall 001 <sup>1</sup></b>				
Parameter	Units	Average Monthly	Daily Maximum	Precipitation Limits <sup>3</sup>
Total Suspended Solids	mg/l	35	70	NA
Iron	mg/l	3.0	6.0	NA
pH	su	(2)	(2)	(2)
Settleable Solids	ml/l	NA	NA	0.5 <sup>4</sup>
Footnotes: 1. See Definitions section at end of permit for explanation of terms 2. Between 6.0 and 9.0 at all times. 3. Limits apply to discharges resulting from storm events greater than the 10yr/24hr event. 4. Maximum not to exceed. NA- Not applicable.				

#### **IV. Water Quality Based Effluent Limits (WQBEL)**

##### **a. Receiving Water**

The proposed receiving water for the WMC facility is an ephemeral tributary of the South Fork of Monument Creek. The South Fork of Monument Creek in the area of the discharge is classified as C-3 waters, (ARM 17.30.611(1)(c)).

Waters classified as C-3 are to be maintained suitable for bathing, swimming and recreation, and growth and propagation of non-salmonid fishes and associated aquatic life, waterfowl and furbearers. The quality of these waters is naturally marginal for drinking, culinary and food processing purposes, agriculture, and industrial water supply. Degradation, which will impact, established beneficial uses will not be allowed, (ARM 17.30.629(1)).

Monument Creek is in the upper Tongue River watershed and the hydrologic unit code is 10090101. Neither the ephemeral drainage nor Monument Creek is listed on the 1996 or most recent 303(d) list for impaired water bodies.

No flow or chemical specific data is available for the ephemeral reach of Monument Creek at the point of discharge. Low flow conditions are assumed to be zero.

No mixing zone has been requested; no mixing zone will be granted.

Based on shallow well logs in the area (1916Q0023/8069), shallow ground water (< 106 feet) has a calculated total dissolved solid (TDS) of 2,616 mg/l. Converting TDS to specific conductance (0.572:1) specific conductance of ground water is expected to be 4,577 µS/cm, which is a Class III ground water (ARM 17.30.1006(3)). Nondegradation provisions §75-5-303 MCA, do not apply to Class III ground water (ARM 17.30.1006(3)(c)). Anticipated nitrate + nitrite (as N) levels in the effluent reporting to the impoundment are reported as 0.26 mg/l.

The Industrial and Energy Minerals Bureau has reviewed impacts to groundwater under the operating permit and has required monitoring of wells in the area. Based on their analysis no further monitoring is required.

b. Applicable Water Quality Standards

Pursuant to ARM 17.30.637(6), Treatment requirements for discharges to ephemeral streams must be no less than the minimum treatment requirements set forth in ARM 17.30.635 (General Treatment Standards) and 17.30.637 (General Prohibitions), 17.30.645 (Radiological Criteria), but not to the specific water quality standards of ARM 17.30.620 through 17.30.629, including the numeric standards in Department Circular DEQ-7 (Feb 2006).

As a new source under the nondegradation rules, degradation of high quality waters is prohibited under ARM 17.30.701(1). High quality waters are defined as all state waters except those that have zero flow or surface expression for more than 270 days during most years [75-5-103(10) MCA]. Based on this definition, the ephemeral tributary is not a high quality water; therefore nondegradation does not apply to the discharge.

c. Proposed Water Quality Based Effluent Limits

As stated in ARM 17.30.635(3) industrial wastes are to receive as a minimum a level of treatment equivalent to the best practicable control technology currently available. With the application of NSPS this requirement is met. The following narrative standards found in ARM 17.30.637(1)(b) will be included in the permit.

Oil and Grease

ARM 17.30.637(1)(b) established narrative limitations for oil and grease in surface waters of the state. The narrative standard prohibitions for visible oil sheen will be inserted in the permit. Concentrations of oil and grease are prohibited to exceed 10 mg/L. No mixing zone for oil and grease will be granted.

**V. Final Effluent Limitations**

Final effluent limitations will be placed on the outfall 001 located at the detention structure. These limits will be in effect from the issuance date of this permit.

<b>Final Effluent Limitations: Outfall 001 <sup>1</sup></b>			
Parameter	Units	Average Monthly	Daily Maximum
Total Suspended Solids <sup>2</sup>	mg/l	35	70
Iron, (total recoverable) <sup>2</sup>	mg/l	3.0	6.0
Settleable Solids <sup>3</sup>	ml/l	NA	0.5
Footnotes: 1. See Definitions section at end of permit for explanation of terms. 2. Applicable to non-storm water discharges or discharges resulting from storm events less than the 10yr/24hr event 3. Applicable to all discharges resulting from storm events greater than the 10yr/24hr event. NA - Not applicable			

Effluent pH shall remain between 6.0 and 9.0 standard units. For compliance purposes, any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.

The instantaneous maximum limitation for oil & grease in any grab sample shall not exceed 10 mg/L.

There shall be no discharge which causes visible oil sheen in the receiving stream.

The effluent is composed of process and wash-down water from the facility, commingled with storm water, no sewage or any other industrial wastes may be added to the treatment system.

## **VI. Monitoring**

### **a. Effluent Monitoring, Outfall 001**

The Montana Water Quality Act authorizes the Department to require monitoring of wastewater to determine compliance with the permit and other provisions of the act [75-5-602 MCA]. The permittee is required to monitor the effluent for parameters in the following effluent monitoring table.

Sample collection, preservation, holding times and test procedures for the analysis of pollutants must conform to current regulations as published in 40 CFR 136. Samples or measurements shall be representative of the volume and nature of the monitored discharge, in accordance with Part I of the permit. If no discharge occurs during the entire monitoring period, it shall be stated on the discharge monitoring report form (EPA No. 3320-1) that no discharge or overflow occurred.

Whole Effluent Toxicity (WET) testing will not be required as a condition in this permit. This condition is based on the following: The discharge is precipitation driven, the discharge reports

to an ephemeral tributary with no aquatic life, and the closest perennial surface water is six miles downstream.

<b>Effluent Monitoring, Outfall 001</b>					
<b>Parameter</b>	<b>Units</b>	<b>Location</b>	<b>Frequency</b>	<b>Type<sup>1</sup></b>	<b>Minimum Level</b>
Effluent Flow Rate	gpm	Effluent	Continuous	NA	±10%
pH	s.u.	Effluent	Daily	Instantaneous	0.1
Total Suspended Solids	mg/l	Effluent	Daily	Grab	10
Iron, (total recoverable)	mg/l	Effluent	Weekly	Grab	0.01
Settleable Solids <sup>2</sup>	ml/l	Effluent	Daily	Grab	0.4
Oil Sheen	NA	Receiving Water	Daily	Visual	NA
Oil and Grease <sup>3</sup>	mg/l	Effluent	Monthly	Grab	1
Specific Conductance	µS/cm	Effluent	Monthly	Grab	10
Aluminum, (dissolved)	mg/l	Effluent	Monthly	Grab	0.01
Total Nitrogen, as N <sup>4</sup>	mg/l	Effluent	Monthly	Calculated	0.1
Nitrate + Nitrite, as N	mg/l	Effluent	Monthly	Grab	0.05
Kjeldahl Nitrogen, Total, as N	mg/l	Effluent	Monthly	Grab	0.1
Footnote: 1. See Definitions section at end of permit for explanation of terms. 2. Required only when the discharge results from a storm event greater than the 10yr/24hr event. 3. Use EPA Method 1664, Revision A: N-Hexane Extractable material (HEM) or equivalent. 4. Calculated as the sum of Nitrate +Nitrite and Total Kjeldahl nitrogen as N. NA – Not applicable					

c. Compliance Determination

For the parameters monitored in Part I of the permit (Part VI of SOB), the following procedures shall be included in the permit. All monitoring, recording and recordkeeping conducted in accordance with conditions stated in ARM 17.30.1351.

For all samples collected during the calendar month, as defined in Part I.A of the permit; If only one sample is collected in the calendar month then the results of this sample are reported as the 30-day average and shall be reported on the DMR form. Analytical results that are less than the minimum levels (ML) specified above are reported on the DMR as less than(<) ML or, if calculating a monthly average, the ML value is used to calculate 30-day average and expressed as a less than (<) value.

Determination of Settleable Solids will be accomplished using an Imhoff cone following this procedure: *Fill an Imhoff cone to the one-liter mark with a thoroughly mixed sample. Allow to settle undisturbed for 45 minutes. Gently stir along the inside surface of the cone with a stirring rod. Allow to settle undisturbed for 15 minutes longer. Record the volume of the settled*

*material in the cone as milliliters per liter. Where a separation of Settleable solids and floating materials occurs, do not include the floating materials in the reading. [40 CFR 434.64]*

## **VII. Nonsignificance Determination**

The Montana Water Quality Act states that it is unlawful to cause degradation of state waters without an authorization issued pursuant to 75-5-303, MCA [75-5-605(1)(d), MCA]. ARM 17.30.706(2) states that the Department will determine whether a proposed activity may cause degradation for all activities which are permitted, approved licensed or otherwise authorized by the Department, such as issuance of a discharge permit. This facility constitutes a new source and is therefore subject to the nondegradation requirements. As the receiving water is not high quality waters, a significance review was not necessary.

## **VIII. Special Conditions and Schedule of Compliance**

ARM 17.30.1432 requires permittees to furnish to the Department, within a reasonable time, information which the Department may request to determine compliance with this permit.

- a. The Department must review plans and specifications of sufficient detail to determine compliance with permit conditions.
  - i) Authority: ARM 17.30.1322(10) and 75-5-402(2) MCA, the Department shall examine plans and other information needed to determine compliance with permit conditions
  - ii) Schedule: By [DATE], Prior to construction of the treatment works, the permittee shall submit a line drawing, plans and specifications in sufficient detail for the Department to determine how the permittee will monitor flow and sample the effluent in accordance with the terms of this section. This report is subject to Department approval pursuant to Part II, III and IV of the permit.
- b. Permittee are required to monitor according to test methods approved under 40 CFR 136 and to provide information to the Department to determine compliance with the permit.
  - i) Authority: ARM 17.30.1342(8) and (10) and 75-5-602 MCA, the Department shall required the permittee to monitor discharges in accordance with specified monitoring methods at designated locations.
  - ii) Schedule; By [DATE], The permittee shall develop a quality assurance, quality control (QA/QC) plan for monitoring flow and sampling the effluent in accordance with the terms and conditions of the permit. The plan shall address monitoring as required in the permit. The permittee shall also notify the Department of the location where records required in Part II of the Permit would be kept. This plan shall be maintained onsite and made available to the operator, or other person responsible for monitoring and sampling. A copy shall be provided to the Department, for approval in accordance with Part II, III and IV of the permit.

- c. The permittee will be required to develop and implement a storm water pollution prevention plan to control pollutants present at the site.
  - a. Authority: ARM 17.30.1345 in accordance with 40 CFR 122.44(k) requires that the permit contain effluent limits, standards or prohibitions for each outfall or discharge point including best management practices where other numeric effluent limitations are infeasible. Because of the precipitation driven nature of this discharge the Department believes a pollution prevention plan would be applicable.
  - b. The permittee shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which achieves the objectives and the specific requirements listed below. A copy of the Plan shall be submitted to the Department in accordance with the requirements of Part II of this permit. The Plan shall be implemented as soon as possible but no later than twelve months from the effective date of the permit.

#### **1. General SWPPP Requirements**

- a. The SWPPP and associated documentation, as well as BMPs developed and implemented, must be accomplished using good standard engineering practices.
- b. The SWPPP must be retained onsite at the facility that generates the storm water discharge. Provided no permanent offices/buildings are located at the facility site, a copy of these documents shall be retained at the office of the contact person identified in the permit application and at the office of the primary individual responsible for the implementation of the SWPPP, and shall be brought to the site at all times with these identified personnel. Should the identity of these responsible contacts/individuals change during the permit period, the permittee shall ensure measures are in place to transfer, and familiarize replacement personnel with the requirements pertaining to the SWPPP.
- c. The SWPPP must be signed in accordance with the signatory requirements stated in Part IV.G of this permit.
- d. The SWPPP must be made available upon request of Department staff, such as during inspections.
- e. The Department may notify the permittee that the SWPPP does not meet one or more of the minimum requirements of this permit. After such notification from the Department, the permittee shall make changes to the SWPPP and shall submit to the Department a written



certification that the requested changes have been made. Unless otherwise stated by the Department, the permittee shall have 30 days after such notification to make the required changes. When the Department makes such notification, the permittee shall provide the Department with a copy of revisions to the SWPPP.

- f. The permittee shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance that has significant effect on the potential for the discharge of pollutants to surface waters, or if the SWPPP proves to be ineffective in achieving the general objective of controlling pollutants in a storm water discharge covered under this permit. When such revisions are made to the SWPPP based upon this permit condition, the permittee shall provide the Department with a copy of revisions to the SWPPP.
- g. The SWPPP must identify the name of receiving surface waters. If there is a distinguishable point source discharge or outfall, the SWPPP must include a description of the size, type, and location of each point source discharge or outfall. A description of storm water runoff flow and drainage patterns into the receiving surface waters must be provided. If the discharge is to a municipal separate storm sewer, the location of any storm sewer discharge into the receiving surface waters must be provided.
- h. The SWPPP must identify a specific person or persons at the facility who are responsible for SWPPP development, implementation, maintenance, and revision. The SWPPP must clearly identify the responsibilities of each person. The activities and responsibilities of the person(s) must address all aspects of the SWPPP.
- i. The SWPPP must identify facility personnel training programs used to inform personnel responsible for implementing activities identified in the SWPPP or otherwise responsible for storm water management of the components and goals of the SWPPP. Training should address topics such as spill response, good housekeeping, and material management practices. A schedule must identify the frequency for such training.
- j. The SWPPP must address preventative maintenance measures which include the inspection and maintenance of storm water management BMPs. Qualified personnel shall be identified in the SWPPP to inspect the facility site and storm water management BMPs following each significant storm water rainfall event resulting in 0.5 inches of precipitation or more, or after significant snowmelt events. Inspections must be documented and maintained with the SWPPP. Inspections and their respective records must include tracking or follow-up procedures

to ensure adequate response and corrective actions have been taken based on any problems or deficiencies observed during the inspection.

- k. The SWPPP must address good housekeeping measures to help maintain a clean, orderly, facility. Measures could include a routine schedule for the managing/removal of waste materials, as well as routine inspections of potential problem areas.
- l. The SWPPP must include a General Location Map (such as a USGS topographic quadrangle map), extending one mile beyond the property boundaries of the facility, with enough detail to identify the location of the facility, any storm water discharges, and the receiving surface waters. The facility site must be clearly delineated on this map. The permittee may use the topographic map submitted with the application provided it indicates this information with respect to storm water discharges.

## **2. Identification of Potential Pollutant Sources**

The SWPPP must provide a description of potential pollutant sources which may reasonably be expected to affect the quality of storm water discharges. The SWPPP must identify all significant activities and materials that could potentially be significant pollutant sources. To accomplish this, the SWPPP must include, at a minimum:

- a. For each area of the facility with storm water discharges from regulated activities that have a reasonable potential to contain significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants and parameters of concern that are likely to affect the storm water discharge. Factors to consider include the toxicity of chemicals; quantity of chemical used, produced or discharged; the likelihood of contact with storm water; the history of any MPDES permit violations; and the characteristics and uses of the receiving surface waters. In the identification of potential pollutants, and depending on the type of facility, items to identify and assess may include:
  - i. Areas and management practices used for the storage, treatment, or disposal of wastes;
  - ii. Areas where significant spills and leaks of hazardous substances may have occurred;
  - iii. Areas and management practices used for the loading or unloading of dry bulk materials and liquids;
  - iv. Areas and management practices used for the outdoor storage of materials and/or products;

- v. Areas and management practices used for outdoor manufacturing or processing activities;
- vi. Areas and management practices used for vehicle fueling, washing, and maintenance;
- vii. Dust or particulate-generating processes;
- viii. Illicit connections and/or management practices;
- ix. Areas more susceptible to erosion; and,
- x. Areas with unstabilized sediment due to ground disturbance activities.

The permittee must evaluate these potential pollutant sources back at least three years prior to the date permit coverage is applied for the respective storm water discharge.

- b. A summary of existing storm water quality sampling test results which characterize historical pollutants in storm water discharges.
- c. Estimate and define area(s) of relatively impervious surfaces (including paved areas and facility structural roofs) with respect to the total area drained by each point source discharge of storm water.
- d. An evaluation of how the quality of any potential storm water running onto the facility site would impact the facility's storm water discharge.

### **3. Storm Water Management Best Management Practices**

- a. SWPPPs must include a description of storm water management Best Management Practices (BMPs) appropriate for the facility, including those used to divert, infiltrate, reuse, or otherwise manage storm water runoff, that reduces pollutants in storm water discharges from the site. The appropriateness and priorities of BMPs in a SWPPP shall reflect the identified potential sources of pollutants to storm water at the facility in Part C.2.
- b. Reasonable and appropriate BMPs may include: reuse of collected storm water (such as for process water or as an irrigation source); inlet controls (such as oil/water separators); snow management activities; infiltration devices, detention/retention devices (including constructed wetlands); run-on/runoff controls; diversion structures; flow attenuation by use of open vegetated swales, natural depressions, and other practices; and, ponds. Where practicable, industrial materials and activities could be protected by a storm resistant shelter to prevent exposure to rain or snow.

- c. The location and description of any treatment to remove pollutants that storm water receives.
- d. The SWPPP must provide a description of measures to ensure the ongoing implementation and maintenance of BMPs. Inspections and maintenance activities, such as cleaning oil and grit separators or catch basins, must be documented and recorded. Incidents such as spills, leaks, other releases of potential pollutants, and/or other material/waste management problems, must also be documented and recorded.
- e. The SWPPP must address Spill Prevention and Response Measures as follows:
  - i. Areas where potential spills may occur that could contribute pollutants to storm water discharges, and their accompanying drainage points, must be identified clearly in the SWPPP.
  - ii. Where appropriate, specific material-handling procedures, storage requirements, and use of equipment, such as diversion valves, should be considered in the SWPPP.
  - iii. Procedures and necessary equipment for cleaning up spills must be identified in the SWPPP and made available to the appropriate personnel.
  - iv. Emergency spill/response contact and/or notification numbers must be listed in the SWPPP.
  - v. SWPPP records of spills must be updated when a significant spill or leak of hazardous substances occurs and must include a description of the specific origin and location of the release, a description of the materials released, an estimate of the quantity of the release, and a description of any remediation or cleanup measures which were taken.
- f. The SWPPP must address Sediment and Erosion Control BMPs as follows:
  - i. The SWPPP must describe sediment and erosion control BMPs including various structural, vegetative, and/or stabilization measures.
  - ii. The SWPPP must allow for BMPs to be implemented as necessary.
  - iii. The SWPPP must address areas which have a higher potential for erosion due to topography, slope characteristics, facility activities, and/or other factors.
  - iv. An assessment of the nature of any fill material to be used, the existing soils located at the site, and the erodibility (high, moderate, or slight) of such soils must be provided in the SWPPP.

- v. Storm water discharges associated with construction activity at the facility site may be included under this permit provided the SWPPP is developed or revised to address these discharges as follows:

- The SWPPP must identify and locate the BMPs to be used during and after the construction project to control sediment discharges to surface waters;
- Final stabilization of disturbed areas must be ensured;
- This Sediment and Erosion Control section of the SWPPP must be updated with a SWPPP modification to reflect new construction activity as necessary; and,
- The SWPPP modification must be submitted to the Department prior to the start of construction.

Provided these items are addressed, coverage for storm water discharges associated with construction activity under this permit would commence on the date stated in the SWPPP or when construction starts.

- vi. The SWPPP may include the use of BMPs such as sediment basins, detention/retention structures, berms, barriers, filter strips, covers, diversion structures, sediment control fences, straw bale dikes, seeding, sodding, and/or other control structures. Any SWPPP elements that require engineered structures, such as detention ponds or diversion structures, must be prepared by a qualified individual using good standard engineering practices.

#### **4. SWPPP Site Map or Plan**

The SWPPP must include a site map or plan which indicates the following:

- a. An identification of each point source discharge of storm water with a delineated outline of the respective drainage area;
- b. Each required point source discharge of storm water sampling location (with the formal number indicated on the map as designated on Discharge Monitoring Report forms);
- c. Delineated drainage patterns which clearly indicate the storm water runoff flow patterns (such as using arrows or detailed topographic contours to show which direction storm water will flow);
- d. The "areas" identified in Part C.2.a. and c.;

- e. The "BMPs" identified in Part C.3.;
- f. Major permanent facility structures;
- g. Each well where liquids associated with the facility are injected underground including any storm water conveyances;
- h. Location and source of runoff from adjacent property containing significant quantities of pollutants of concern to the facility as discussed in Part C.2.d.;
- i. Location of all surface waters on or near to the construction activity site (including perennial and intermittent waterbodies, ephemeral streams, springs, wetlands with standing water, etc.);
- j. A map scale;
- k. A north arrow; and,
- l. For construction activities:
  - i. Areas of total development and, at a minimum, areas of "disturbance" related to construction activity (including support activities related to a construction site such as concrete or asphalt batch plants, equipment staging areas, material storage areas, soil stockpile areas, material borrow areas, etc.);
  - ii. Location of all erosion and sediment control BMPs;
  - iii. Location of impervious structures (including buildings, roads, parking lots, outdoor storage areas, etc.) after construction is completed;
  - iv. Areas where vegetative BMPs are to be implemented;
  - v. Approximate slopes anticipated after major grading activities; and,
  - vi. The boundary of the 100-year floodplain, if determined.

## **5. Comprehensive Site Inspection and Compliance Evaluation Report**

- a. For storm water discharges that are associated with industrial, mining, oil and gas, and construction activity with construction-related disturbance of five acres or more of total land area, a Comprehensive Site Inspection must be performed annually to identify areas contributing to the regulated storm water discharge and to evaluate whether BMPs to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of this permit. For inactive mining operations, if annual inspections are impracticable, then a certification once every three years by a registered

professional engineer that the facility is in compliance with the permit, or alternative requirements, can be performed instead of an annual Comprehensive Site Inspection.

- b. A Comprehensive Site Inspection must assess the following:
  - i. Whether the description of potential pollutant sources is accurate as required under Part C.2. of this permit;
  - ii. Whether the site map has been updated or otherwise modified to reflect current conditions;
  - iii. Whether the BMPs to control potential pollutants in storm water discharges as identified in the SWPPP and Part C.3. are being effectively implemented; and,
  - iv. Whether any SWPPP revisions such as additional BMPs are necessary.
- c. Based on the results of the Comprehensive Site Inspection, the description of potential pollutant sources and BMPs identified in the SWPPP must be revised as appropriate within 14 days of such inspection and must provide for implementation of the changes to the SWPPP in a timely manner.
- d. A Compliance Evaluation Report must be submitted to the Department addressing the Comprehensive Site Inspection performed during each calendar year.
  - i. The report must identify personnel making the inspection and the date(s) of the inspection.
  - ii. The report must summarize observations made based on the items stated in Part C.5.b.
  - iii. The report must summarize actions taken in accordance with Part C.5.c.
  - iv. The report must be retained with the SWPPP.
  - v. The permittee shall submit a copy of the report to the Department by January 28<sup>th</sup> of each year for the preceding calendar year's inspection.
  - vi. The report must identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report must contain a certification that the facility is in compliance with the SWPPP and this permit.
  - vii. The report must be signed in accordance with the signatory requirements stated in Part ?? of this permit.
- e. A tracking or follow-up procedure, including a schedule for implementation, must be used and identified in the Report which

ensures adequate response and corrective actions have been taken in response to the Comprehensive Site Inspection and/or noncompliances.

- f. Records of the Comprehensive Site Inspection, the Compliance Evaluation Report, and any related follow-up actions must be maintained by the permittee.

In accordance with ARM 17.30.13423(11), all reports, plan or information submitted to the Department must be signed and certified in accordance with Part IV.G of the permit and ARM 17.30.1323. Legible copies of these reports shall be submitted to the Department at the following address:

Montana Department of Environmental Quality  
PSC Coordinator  
Water Protection Bureau  
PO Box 200901  
Helena, MT 59620-0901  
Phone (406) 444-3080

#### **IX. Other Information**

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment (WQLS), the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit Friends of the Wild Swan v. U.S. EPA. et al., CV 97-35-M-DWM, District of Montana, Missoula Division. The DEQ finds that the issuance of this proposed permit does not conflict with the order, because: The water body was not listed on the 1996 or most recent 303(d) list.

#### **X. Information Sources**

Clean Water Act (CWA), 33 U.S.C. 1251 *et seq.*

US Code of Federal Regulations, 40 CFR Part 122 -The National Pollutant Discharge Elimination System

Montana Water Quality Act, MCA 75-5-101 *et seq.*

ARM Title 17, Chapter 30, Sub-chapter 13 - Montana Pollutant Discharge Elimination System (MPDES) Permits

ARM Title 17, Chapter 30, Sub-chapter 5 - Mixing Zones in Surface and Ground Water

ARM Title 17, Chapter 30, Sub-chapter 6 - Surface Water Quality Standards



ARM Title 17, Chapter 30, Sub-chapter 7 - Nondegradation of Water Quality

ARM Title 17, Chapter 30, Sub-chapter 10 –Montana Ground Water Pollution Control System

Circular DEQ-7 (February 2006), Montana Numeric Water Quality Standards

"Montana List of Waterbodies in Need of Total Maximum Daily Load Development," 303(d) list, dated 1996 and 2004

Technical Support Document for Water Quality-Based Toxics Control, EPA 50529001, March 1991

MPDES Permit Application Form 1 and Form 2D, prepared for Wolf Mountain Coal by CGD Engineers, received by the Department on May 2, 2005.

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Figure 1. Facility Orientation



